LAW OFFICES
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
1300 I Stre t, N.W.
Washington, DC 20005-3315

Telephone
(202) 408-4000

Facsimile
(202) 408-4400

FACSIMILE TRANSMITTAL

TO:

Name: U.S.P.T.O.
Examiner Sheikh

Group Art Unit: 1615

Fax No.: (703) 746-9256

Phone No.: (703) 308-4429

Application No.: 09/618,066

Attorney Docket No.: 05725.0656-00000

FROM:

Name: Jill MacAlpine

Phone No.: 202-408-4307

Fax # Verified by: J. MacAlpine
(MD 318)

 # Pages (incl. this): 17

Date: November 18, 2002

Confirmation Copy to Follow: _ YES X NO

MESSAGE:

Dear Examiner Sheikh:

Further to our discussion, please find enclosed a draft showing renumbering of the claims for your consideration. If you have any questions please call Jill MacAlpine at (202) 408-4105.

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

DRAFT SHOWING RENUMBERING

--46 [162]. (Amended) A structured composition comprising:

(a) at least one dyestuff;

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

(c) at least one amphiphilic compound chosen from amphiphilic compounds which are liquid at room temperature and have an HLB value of less than 12; and

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said structured composition is in the form of a wax-free solid; and

wherein said at least one dyestuff, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

68 [163]. (Amended) A structured composition comprising:

(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said at least one continuous liquid fatty phase comprises greater than 40% by weight of the total weight of said at least one continuous liquid fatty phase of at least one apolar liquid oil;

wherein said structured composition is in the form of a wax-free solid; and

wherein said at least one dyestuff, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

114 [118]. (Amended) A mascara product, eyeliner product, foundation product, lip composition product, blush product, deodorant product, make-up-removing product product for making up the body, eyeshadow product, face powder product, or conceal r product comprising:

(a) at least one pigment in an amount sufficient to make up at least one keratinous material; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said product is in the form of a structured solid; and

wherein said at least one pigment, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

115 [119]. (Amended) A product according to Claim **114** [118], wherein said composition is a self-supporting composition.

116 [120]. (Amended) A product according to Claim **114** [118], wherein said repeating units comprising at least one non-pendant hetero atom are chosen from amides.

117 [121]. (Amended) A product according to Claim **114** [118], wherein said at least one fatty chain is chosen from terminal fatty chains and is bonded to the carbon-based skeleton via ester groups.

118 [122]. (Amended) A product according to Claim **114** [118], wherein said at least one keratinous material is at least one human keratinous material.

119 [123]. (Amended) A product according to Claim 112, wherein said at least one human keratinous material is chosen from skin, lips, eyelashes, eyebrows, scalp, nails and hair.

120 [124]. (Amended) A make-up stick for at least one keratinous material comprising:

(a) at least one pigment in an amount sufficient to make up at least one keratinous material; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at l ast one fatty chains; and

wh rein said at least one pigment, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

121 [125]. (Amended) A make-up stick according to Claim **120** [124], wherein said make-up stick is a self-supporting composition.

122 [126]. (Amended) A make-up stick according to Claim **120** [124], wherein said at least one keratinous material is at least one human keratinous material.

123 [127]. (Amended) A make-up stick according to Claim **122** [126], wherein said at least one human keratinous material is chosen from skin, lips, eyelashes, eyebrows, scalp, nails and hair.

124 [128]. (Amended) A cosmetic process for caring for, making up or treating a keratin material comprising the application to at least one keratinous material of a cosmetic composition comprising:

(a) at least one pigment in an amount sufficient to make up at least one keratinous material; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least on fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said composition is in the form of a structured solid; and

wherein said at least one pigment, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

125 [129]. (Amended) A process according to Claim **124** [128], wherein said at least one keratinous material is at least one human keratinous material.

126 [130]. (Amended) A process according to Claim **125** [129], wherein said at least one human keratinous material is chosen from skin, lips, eyelashes, eyebrows, scalp, nails and hair.

127 [131]. (Amended) A process according to Claim **124** [128], wherein said composition is wax-free.

128 [132]. (Amended) A process according to Claim **123** [127], wherein said composition has a hardness ranging from 20 g to 2000 g.

129 [133]. (Amended) A process according to Claim **128** [132], wherein said composition has a hardness ranging from 20 g to 900 g.

130 [134]. (Amended) A process according to Claim **129** [133], wherein said composition has a hardness ranging from 20 g to 600 g.

131 [135]. (Amended) A process of structuring a composition in the form of a self-supporting solid having a hardness ranging from 20 g to 2000 g, comprising the step of including in said composition a sufficient amount of at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said composition is structured as a self-supporting solid, is wax-free, and further contains a liquid continuous fatty phase and at least one dyestuff; and

wherein said at least one dyestuff is chosen from pigments and nacres.

132 [136]. (Amended) A process according to Claim 131 [135], wherein said composition has a hardness ranging from 20 g to 900 g.

133 [137]. (Amended) A process according to Claim 132 [136], wherein said composition has a hardness ranging from 20 g to 600 g.

134 [138]. (Amended) A process according to Claim 133 [137], wherein said at least one structuring polymer is chosen from polyamides.

135 [139]. (Amended) A process according to Claim **131** [135], wherein said at least one structuring polymer has a weight-average molecular mass ranging from 1000 to 10,000.

136 [140]. (Amended) A process according to Claim **130** [135], wherein said at least one structuring polymer is chosen from polyamides comprising end groups which comprise at least one ester functional group comprising at least one chain which comprises from 10 to 42 carbon atoms.

137 [141]. (Amended) A process according to Claim **130** [135], wherein said at least one structuring polymer is combined with at least one amphiphilic compound that is liquid at room temperature, with an HLB value of less than 12.

138 [142]. (Amended) A process according to Claim **137** [141], wherein said HLB ranges from 1 to 7.

139 [143]. (Amended) A process according to Claim **138** [142], wherein said HLB ranges from 1 to 5.

140 [144]. (Amended) A process of structuring a cosmetic composition in the form of a physiologically acceptable composition, which is rigid, self-supporting, wax-free, glossy, and/or non-migrating comprising including in said composition at least one liquid continuous fatty phase, said at least one liquid continuous fatty phase being structured with a sufficient amount of at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at l ast one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said composition is rigid, self-supporting, wax-free, glossy, and/or non-migrating; and

wherein said composition further comprises at least one dyestuff chosen from pigments and nacres.

141 [145]. (Amended) A process according to Claim **140** [144], wherein said at least one structuring polymer is chosen from polyamides.

142 [146]. (Amended) A process according to Claim **141** [145], wherein said at least one structuring polymer is chosen from polyamides comprising end groups which comprise at least one ester functional group comprising at least one hydrocarbon-based chain which comprises from 10 to 42 carbon atoms.

143 [147]. (Amended) A process according to Claim **140** [144], wherein said at least one structuring polymer is combined with at least one amphiphilic compound that is liquid at room temperature, with an HLB value of less than 12.

144 [148]. (Amended) A process according to Claim **143** [147], wherein said HLB ranges from 1 to 7.

145 [149]. (Amended) A process according to Claim **144** [148], wherein said HLB ranges from 1 to 5.

146 [150]. (Amend d) A process of making a cosmetic composition in the form of a physiologically acceptable composition, which is structured, rigid, self-supporting, wax-free, glossy, and/or non-migrating comprising including in said composition at least one liquid continuous fatty phase, said at least one liquid continuous fatty phase being structured with a sufficient amount of at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said composition is rigid, self-supporting, wax-free, glossy, and/or non-migrating; and

wherein said composition comprises at least one dyestuff chosen from pigments and nacres.

147 [151]. (Amended) A method according to Claim **146** [150], wherein said at least one structuring polymer is chosen from polyamides.

148 [152]. (Amended) A process according to Claim **147** [151], wherein said at l ast one structuring polymer is chosen from polyamides comprising nd

groups which comprise at least one ester functional group comprising at least one hydrocarbon-based chain which comprises from 10 to 42 carbon atoms.

149 [153]. (Amended) A process according to Claim **146** [150], wherein said at least one structuring polymer is combined with at least one amphiphilic compound that is liquid at room temperature, with an HLB value of less than 12.

150 [154]. (Amended) A process according to Claim **149** [153], wherein said HLB ranges from 1 to 7.

151 [155]. (Amended) A process according to Claim **150** [154], wherein said HLB ranges from 1 to 5.

152 [156]. (Amended) A process of structuring a cosmetic composition in the form of a self-supporting solid, comprising including in said composition at least one liquid continuous fatty phase and at least one dyestuff, said at least one liquid continuous fatty phase and at least one dyestuff being structured with a sufficient amount of at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said dyestuff is chosen from pigments and nacres; and

wherein said composition is in the form of a self-supporting solid.

153 [157]. (Amended) A process for limiting the migration of a cosmetic composition comprising including in said composition at least one liquid continuous fatty phase, said at least one liquid continuous fatty phase being structured with a sufficient amount of an agent for limiting the migration of said composition, said agent comprising at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains; and

wherein said composition further comprises at least one dyestuff chosen from pigments and nacres.

154 [158]. (Amended) A process according to Claim **153** [157], wherein said cosmetic composition has a hardness ranging from 20 g to 2000 g.

155 [159]. (Amended) A process according to Claim **154** [158], wherein said hardness ranges from 20 g to 900 g.

156 [160]. (Amended) A process according to Claim 155 [159], wherein said hardness ranges from 20 g to 600 g.

157 [161]. (Amended) A process for limiting the migration of a cosmetic composition comprising at least one continuous liquid fatty phase comprising structuring said fatty phase with a sufficient amount of structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains; and

wherein said composition further comprises at least one dyestuff chosen from pigments and nacres.

158 [164]. (Amended) A process for structuring a cosmetic composition in the form of a physiologically acceptable composition, which is rigid, self-supporting, wax-free, glossy, and/or non-migrating comprising including in said composition at least one liquid continuous fatty phase, said at least one liquid continuous fatty phase being structured with a sufficient amount of at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

(a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

(b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

(c) at least one amphiphilic compound chosen from amphiphilic compounds which are liquid at room temperature and have an HLB value of less than 12;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains; and

wherein said composition is rigid, self-supporting, wax-free, glossy, and/or non-migrating.

159 [165]. (Amended) A structured composition comprising:

(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wher in said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said structuring polymer is chosen from polymers resulting from at least one polycondensation reaction between at least one dicarboxylic acid and at least one diamine;

wherein said structured composition is in the form of a wax-free solid;

wherein said at least one dyestuff, said at least one continuous liquid fatty phase and said at least one structuring polymer form a physiologically acceptable medium.

160 [166]. (Amended) A structured composition comprising:

(a) at least one dyestuff; and

(b) at least one continuous liquid fatty phase comprising:

(i) at least one structuring polymer which has a weight-average molecular mass ranging from 1000 to 30,000 and comprises:

a) a polymeric skeleton comprising repeating units comprising at least one non-pendant hetero atom; and

b) at least one fatty chain, optionally functionalized, comprising from 12 to 120 carbon atoms, chosen from pendant fatty chains and terminal fatty chains which are bonded to said polymeric skeleton;

wherein said at least one fatty chain is present in a quantity ranging from 40% to 98% of the total number of all said repeating units comprising at least one non-pendant hetero atom and all said at least one fatty chains;

wherein said structured composition is in th form of a wax-free solid;

wherein said at least one dyestuff is chosen from pigments and nacres;

wherein said at least one dyestuff, said at least one continuous liquid fatty phase, and said at least one structuring polymer form a physiologically acceptable medium; and

wherein said composition is anhydrous.--